

## REMARKS

In the Office Action dated June 2, 2004, claims 3 and 9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite and claims 1-3 and 7-13 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,118,469 to Hosomi.

The Office Action also indicated that the full translations of two foreign references, submitted on February 2, 2004 in connection with Applicant's Information Disclosure Statement and form PTO-1449 as references AB and AC, were not received by the Examiner. Applicants will be resubmitting their previous Information Disclosure Statement for consideration of these translated foreign references.

On August 12, 2004, the undersigned conducted an interview of the Examiner. During that interview, Applicants' clarified that the term "spring contact" in claims 3 and 9 is different and distinct from the term "surface contact spring" in claims 1 and 7, respectively. As a result of this clarification, the Examiner agreed to withdraw the rejection of claims 3 and 9 under 35 U.S.C. § 112.

The undersigned also discussed the rejections to claims 1-3 and 7-13 with the Examiner in view of the Hosomi reference. No conclusion as to the allowability of these claims was reached. In response to this rejection to claims 1-3 and 7-13, Applicants hereby refer to the argument in Applicant's Amendment and Response, submitted on June 2, 2003, as being fully responsive to the present rejection. For convenience, this argument is set forth in full below:

Applicants' claim 1 is directed towards a battery operated dispenser. The low impedance path electrically connects elements internal to the dispenser to the surface upon which the dispenser is mounted.

In contrast, Hosomi discloses a thermal printer that includes a roller, a thermal print head that is spring biased to engage the roller, and a wire connecting the spring contact to ground. Importantly, Hosomi teaches that the wire connects the spring contact to ground through a ground trace on the controlling circuit of the printer. The ground trace is in turn connected to an external earth ground terminal. See Col. 8, l. 60 – Col. 9, l. 8. Hosomi thus teaches that the static electricity build-up on the roller is discharged through the circuit board controlling the print function to the external ground terminal, which is electrically conducting and provided specifically as an earth ground.

By teaching use of an external earth ground terminal, Hosomi teaches away from the invention of claim 1. Specifically, Hosomi teaches grounding the thermal printer to an electrically conductive external earth ground terminal. This teaching conforms with the accepted grounding scheme of discharging excess electrical charge to a conducting earth ground, if such is available, or to some other conducting low electrical potential terminal, which is generally associated with the power source of the electrical device.

The dispenser of Applicant's claim 1 is battery operated, and the batteries inherently include a conducting low electrical potential terminal. The static electricity build-up within the dispenser, however, is not discharged to the batteries. Rather, the static electricity build-up within the dispenser is discharged to the surface on which the dispenser is mounted. Further, the surface to which the dispenser is mounted is not the equivalent of an external earth ground terminal because the mounting surface need have no connection to earth ground. The invention of claim 1 is therefore suitable for mounting on *any* available surface. Thus, Hosomi does not render claim 1 obvious and reconsideration of the rejection is requested.

Claims 2 and 3 are dependent upon claim 1. Therefore, for the same reasons stated above in reference to claim 1, claims 2 and 3 are not rendered obvious by Hosomi. Reconsideration of the rejection of claims 2 and 3 is requested.

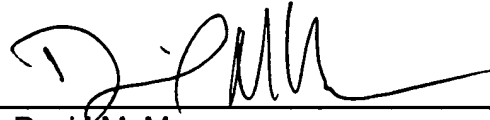
In addition to the previously presented argument, claims 7-13, reciting limitations of a "low impedance wire" or "conductive path" which serve to ground internal elements of the respectively claimed dispensers to a mounting surface, are patentable over Hosomi for at least the same reasons stated above in reference to claim 1. Reconsideration of the rejection of claims 7-13 is therefore requested.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

DATE: August 17, 2004

By: \_\_\_\_\_



David M. Morse  
Reg. No. 50,505

Fulbright & Jaworski L.L.P.  
865 South Figueroa Street  
Twenty-Ninth Floor  
Los Angeles, California 90017-2576  
Telephone No.: (213) 892-9200  
Facsimile No.: (213) 680-4518